

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 3366211, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 100, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 9, 2005

Signature: *Georgina Matos*

(Georgina Matos)

JCO3 Rec'd PCTO 09 MAY 2005

#6

PTO-1390 (Rev. 02-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 254082000100
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/512,024
INTERNATIONAL APPLICATION NO. PCT/IL03/00312	INTERNATIONAL FILING DATE 15 April 2003	PRIORITY DATE CLAIMED 19 April 2002
TITLE OF INVENTION β-AGONIST COMPOUNDS COMPRISING NITRIC OXIDE DONOR GROUPS AND REACTIVE OXYGEN SPECIES SCAVENGER GROUPS AND THEIR USE IN THE TREATMENT OF RESPIRATORY DISORDERS		
APPLICANT(S) FOR DO/EO/US Abdullah I. HAJ-YEHIA		

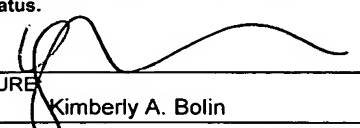
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☐ is attached hereto (required only if not communicated by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). - 2 pages
- ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76. (Supplemental), copy as previously filed on 12-15-04 - 2 pages
- ☐ A substitute specification.
- ☒ A power of attorney and/or change of address letter. - 1 page
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: Copy of Notification of Missing Requirements - 2 pages; Statement Under 37 CFR 3.73(b) w/copy of Assignment - 2 pages; Copy of Communication as previously filed on 12-15-04 - 2 pages, and marked-up specification as previously filed on 12-15-04 - 105 pages, and Return Receipt Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/512,024		INTERNATIONAL APPLICATION NO. PCT/IL03/00312		ATTORNEY'S DOCKET NUMBER 254082000100	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee \$300				\$ 0.00	
22. <input type="checkbox"/> Examination fee				0.00	
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100					
All other situations \$200				\$ 0.00	
23. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100					
International Search Report prepared and provided to the Office \$400					
All other situations \$500				\$ 0.00	
TOTAL OF 21, 22 and 23 =				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	117 - 117 =	0	x 25.00	\$ 0.00	
Independent claims	5 - 5 =	0	x 100.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+ 180.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 65.00	
SUBTOTAL =				\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 65.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 65.00	
05/13/2005 MKAYP: GH 00000135 031952 10512024 01 FC:2617 65.00 DA				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>03-1952</u> in the amount of \$ <u>65.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-1952</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <div style="text-align: right;">  SIGNATURE NAME Kimberly A. Bolin </div> <p>CUSTOMER NUMBER: 25226</p> <div style="text-align: right;"> 44,546 REGISTRATION NUMBER </div>					



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO 09 MAY 2005

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/512,024	FIRST NAMED APPLICANT Abodullah I Haj-Yehia	ATTY. DOCKET NO. YISS2000100
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INTERNATIONAL APPLICATION NO.

PCT/IL03/00312

I.A. FILING DATE 04/15/2003	PRIORITY DATE 04/19/2002
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25226
 MORRISON & FOERSTER LLP
 755 PAGE MILL RD
 PALO ALTO, CA 94304-1018

RECEIVED

APR 25 2005

Morrison & Foerster, LLP
 Palo Alto

CONFIRMATION NO. 2208
 371 FORMALITIES LETTER



OC000000015761236

Date Mailed: 04/18/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/19/2004
- Copy of the International Search Report filed on 10/19/2004
- U.S. Basic National Fees filed on 10/19/2004
- Priority Documents filed on 10/19/2004

Missing Requirement Due - 10
 DOCKETED 11
 Due
 REMINDER: 6/18/05
 FINAL DUE DATE: 11/18/05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

COPY

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/512,024	PCT/IL03/00312	YISS2000100

FORM PCT/DO/EO/905 (371 Formalities Notice)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV335370557US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 15, 2004 Signature: Georgina Matos
(Georgina Matos)

Docket No.: 254082000100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Abdullah I. HAJ-YEHIA

US Application No.: 10/512,024

Art Unit: Not Yet Assigned

International App. No.: PCT/IL03/00312

Examiner: Not Yet Assigned

International Filing Date: April 15, 2003

For: β -AGONIST COMPOUNDS COMPRISING
NITRIC OXIDE DONOR GROUPS AND
REACTIVE OXYGEN SPECIES SCAVENGER
GROUPS AND THEIR USE IN THE
TREATMENT OF RESPIRATORY
DISORDERS

COPY

COMMUNICATION

COPY

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Co-filed herewith please find a marked-up copy of the specification of the above-referenced application filed on October 19, 2004. The marked-up specification indicates changes between International App. No.: PCT/IL03/00312 and the substitute specification filed on October 19, 2004 (USSN 10/512,024). For the Office's convenience we note that the only amendments present in the substitute specification are in the "Claims" section of the substitute specification.

Should any additional documentation be required, or should the Office require any clarification, please contact the undersigned.

Applicants do not believe any fees are due in connection with this Communication to the Office. However, in the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **254082000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 14, 2004

Respectfully submitted,

By 

Kimberly A. Bolin

Registration No.: 44,546

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

650-813-5740